

ORIGINAL

No. 10-10-002²⁹⁷~~79~~-CR

**IN THE TEXAS COURT OF APPEALS
TENTH DISTRICT
AT WACO**

GREGG CARL BAIRD, Appellant

v.

THE STATE OF TEXAS

FILED
TENTH COURT OF APPEALS

MAR 21 2011

SHARRI ROESSLER, CLERK

**APPELLANT'S MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF**

**TO THE HONORABLE JUSTICES OF THE TENTH COURT OF
APPEALS:**

Comes now, Gregg Carl Baird, by and through his counsel of record in the above styled and numbered cause and pursuant to TEX. R. APP. P. 10.5(b) files this Appellant's Motion for Extension of Time to File Appellant's Brief and would show to this Honorable Court:

I.

Appellant is appealing his multi-count convictions for the offenses of possession of child pornography in cause number 09-02494-CRF-272 in the 272nd District Court of Brazos County. Cumulative punishment was assessed at fifteen years. Notice of appeal was timely filed. The appeal has been docketed in this

Court as cause number 10-10-00279-CR.

II.

The clerk's record was filed on October 15, 2010. The reporter's record was filed on February 22, 2011. Appellant's brief is due on March 24, 2011.

III.

Appellant seeks a 60 day extension of the current deadline in which to file appellant's brief, up to and including, May 23, 2011.

IV.

This request is based on the following facts which prevent counsel from preparing and filing appellant's brief by the current deadline:

Counsel has not had an adequate amount of time to review the record on appeal in order to prepare appellant's brief and effectively represent him on direct appeal to this Court.

Additionally, since the time the reporter's record was filed, counsel filed an appellee's motion for rehearing in *State v. Allen* in the Third Court of Appeals, two appellant's motions for rehearing in *Romei v. State* in this Court, an appellant's brief in *Roberson v. State* in this Court, has objections to the Magistrate Judge's report in *Hunter v. Thaler* due in the United States District Court for the Western District of Texas due on March 21, 2011, has an appellant's brief in *Flores v. State*

in the Court of Appeals for the Eleventh District due on March 22, 2011, and will be out of the office from March 23 -26, 2011 teaching a Wood Badge course for the Boy Scouts of America in Bastrop, Texas.

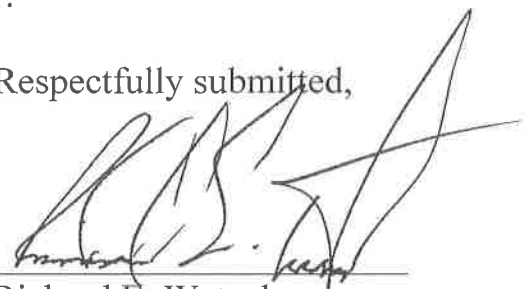
V.

No previous extensions have been sought or granted to file appellant's brief.

PRAYER

Appellant requests this Court grant the motion and extend the time to file Appellant's brief up to and including, May 23, 2011.

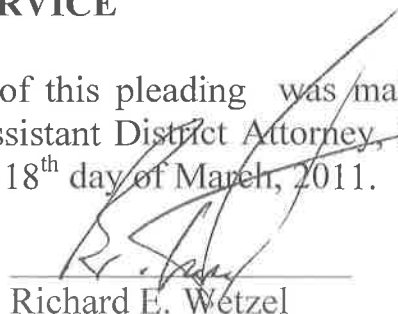
Respectfully submitted,



Richard E. Wetzel
State Bar No. 21236300
1411 West Avenue, Suite 100
Austin, Texas 78701
(512) 469-7943
(512) 474-5594 - facsimile
Attorney for Appellant
Gregg Carl Baird

CERTIFICATE OF SERVICE

This is to certify a true and correct copy of this pleading was mailed to Counsel for the State of Texas, Doug Howell, Assistant District Attorney, 300 E. 26th St., Ste. 310, Bryan, Texas, 77803, on this the 18th day of March, 2011.



Richard E. Wetzel